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Law and Parliamentary Affairs Secretariat

Notification No LAW 87 LGN 76

Bangalore, dated 8th May 1978

Ordered that the **Karnataka Certain Inams Abolition Act, 1977** which received the assent of the President on the Third day of May 1978, be published as Karnataka Act No. 10 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 10 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the Eighth day of May* 1978)

THE KARNATAKA CERTAIN INAMS ABOLITION ACT, 1977

(Received the assent of the President on the Third day of May 1978)

An Act to provide for the abolition of certain inams in the State of Karnataka.

Whereas laws providing for abolition of certain personal, religious and charitable inams in the State, are already in force ;

Whereas in certain areas of the State certain categories of inams are still existing ;

Whereas it is expedient in the public interest to provide for the abolition of all such remaining inams ;

Be it enacted by the Karnataka State Legislature in the Twenty-eighth year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Karnataka Certain Inams Abolition Act, 1977.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Application.—This Act shall apply to all inams including inams in enclave villages other than those referred to in the following :—

1. The Bombay Personal Inams Abolition Act, 1952 (Bombay Act No. XLI of 1953).

2. The Bombay Service Inams (Useful to Community) Abolition Act, 1953 (Bombay Act No. LXX of 1953).

3. The Bombay Merged Territories and Areas (Jagir Abolition) Act, 1953 (Bombay Act No. XXXIX of 1954).

4. The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955 (Bombay Act XXII of 1955).

5. The Hyderabad Abolition of Inams Act, 1955 (Hyderabad Act VIII of 1955).

6. The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).

7. The Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 (Mysore Act 1 of 1955).

8. The Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act XVIII of 1955).

9. The Bombay Paragana and Kulkarni Vatans (Abolition) Act, 1950 (Bombay Act LX of 1950).

10. The Karnataka Village Offices Abolition Act, 1961 (Karnataka Act 14 of 1961).

11. The Karnataka (Sandur Area) Inams Abolition Act, 1976 (Karnataka Act 54 of 1976).

3. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) "Act" means the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) ;

(b) "appointed date" means the date appointed under sub-section (3) of section 1;

(c) "Deputy Commissioner" includes any officer not below the rank of an Assistant Commissioner authorised by the State Government, by notification, to exercise the powers of a Deputy Commissioner under this Act ;

(d) "enclave villages" mean villages transferred from one State to another State according to the provisions of the Province and State (Absorption of Enclave) Order 1950 and the India and Hyderabad (Exchange of Enclaves) Order, 1950 ;

(e) "Inam" includes an inam village and a minor inam, a jagir, whether personal, religious, charitable or otherwise ;

(f) " inamdar " means,—

(i) in the case of a personal inam, a person holding in trust or owning for his own benefit an inam village or a share therein and includes the successors in interest of an inamdar ; and

(*a*) where an inamdar is a minor or of unsound mind or an idiot, his guardian, committee, or other legal curator ;

(*b*) where an inamdar is a joint Hindu family such joint Hindu family ; and

(ii) in the case of a religious or charitable inam, the religious or charitable institution owning an inam ;

(*g*) "inam land" or "inam village" means a land or village, as the case may be, held as an inam in trust or owned by a person for his own benefit ;

(*h*) "land records" means records maintained under the provisions of, or for the purpose of the Act or any other law relevant for the purposes of this Act ;

(*i*) "minor inam" means an alienated holding other than an inam village, situated in an alienated village or in an unalienated village ;

(*j*) "person" includes a religious or charitable institution and in the case of a joint Hindu family such joint Hindu family ;

(*k*) "personal inam" means a grant of a village or land with total or partial exemption from the payment of land revenue made to a person and entered in the land records as an inam, other than a 'devadaya' or 'dharmadaya' and does not include religious or charitable inam ;

(*l*) "religious institution" includes a temple ;

(*m*) "religious or charitable inam" means grant of a village, portion of a village or land with total or partial exemption from the payment of land revenue made to or for the benefit of a religious or charitable institution.

(e) "Inam" includes an inam village and a minor inam, a jagir, whether personal, religious, charitable or otherwise ;

(f) "inamdar" means,—

(i) in the case of a personal inam, a person holding in trust or owning for his own benefit an inam village or a share therein and includes the successors in interest of an inamdar ; and

(*a*) where an inamdar is a minor or of unsound mind or an idiot, his guardian, committee, or other legal curator ;

(*b*) where an inamdar is a joint Hindu family such joint Hindu family ; and

(ii) in the case of a religious or charitable inam, the religious or charitable institution owning an inam ;

(*g*) "inam land" or "inam village" means a land or village, as the case may be, held as an inam in trust or owned by a person for his own benefit ;

(*h*) "land records" means records maintained under the provisions of, or for the purpose of the Act or any other law relevant for the purposes of this Act ;

(*i*) "minor inam" means an alienated holding other than an inam village, situated in an alienated village or in an unalienated village ;

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(*k*) "personal inam" means a grant of a village or land with total or partial exemption from the payment of land revenue made to a person and entered in the land records as an inam, other than a 'devadaya' or 'dharmadaya' and does not include religious or charitable inam ;

(*l*) "religious institution" includes a temple ;

(*m*) "religious or charitable inam" means grant of a village, portion of a village or land with total or partial exemption from the payment of land revenue made to or for the benefit of a religious or charitable institution.

Explanation.—If any question arises whether any grant is a personal inam or a religious or charitable inam such question shall be referred to the State Government whose decision shall be final ;

(n) "Tribunal" means the Tribunal constituted under section 48 of the Karnataka Land Reforms Act, 1961.

(2) The words and expressions used, but not defined in this Act, shall have the meaning assigned to them in the Act or the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962).

CHAPTER II

Abolition and vesting of inams in the State and its consequences

4. Abolition, vesting of inams and the consequences thereof.—(1) Notwithstanding anything contained in any contract, grant or other instrument or in any decree or order of Court or in any other law for the time being in force, with effect from and on the appointed date, the inam tenure of all inams and minor inams to which this Act applies under section 2 shall stand abolished.

(2) Save as otherwise expressly provided in this Act with effect from and on the appointed date, the following consequences shall ensue, namely :—

(a) the provisions of the Act relating to inams of alienated holdings shall be deemed to have been repealed in their application to inam or alienated holding . and the provisions of the Act and all other enactments applicable to unalienated villages or lands shall apply to the said inams or alienated holding ;

(b) all rights, title and interest vesting in the inamdar including those in all communal lands, cultivated lands, uncultivated lands, whether assessed or not, waste lands, pasture lands, forests, mines and minerals, quarries, rivers and streams, tanks and irrigation works, fisheries, and ferries shall cease and be vested absolutely in the State Government, free from all encumbrances ;

(c) the inamdar shall cease to have any interest in the inam other than interests expressly saved by or under the provisions of this Act ;

(d) all land revenue including the cesses and royalties accruing in respect of lands comprised in such inam villages or minor inams on or after the date of vesting shall be paid to the State Government and not to the inamdar and any payment made in contravention of this clause shall not be valid ;

(e) all arrears of land revenue, whether as jodi or quit rent and cesses remaining lawfully due on the date of vesting in respect of any such inam village or minor inam shall, after such date continue to be recovered from the inamdar by whom they were payable and may, without prejudice to any other mode of recovery, be realised by the deduction of the amount of such arrears and cesses from the amount payable to such inamdar under this Act ;

(f) no such inam shall be liable to attachment in execution of any decree or other process of any court and any attachment existing, on the date of vesting or any other order for attachment passed before such date in respect of such inam village or minor inam shall cease to be in force ;

(g) the State Government may, after removing any obstruction that may be offered, forthwith take possession of the inam and all accounts, registers, pattas, muchalikas, maps, plans and other documents relating to the inam which the State Government may require for the administration thereof ;

(h) the inamdar whose rights have vested in the State Government under clause (b) shall be entitled only to such amount from the State Government as provided in this Act ;

(i) the relationship of a superior holder and inferior holder shall, as between the inamdar and the holder of a minor inam, be extinguished ;

(j) the tenants in the inam and persons holding under them and holders of minor inams shall, as against the State

(c) the inamdar shall cease to have any interest in the inam other than interests expressly saved by or under the provisions of this Act ;

(d) all land revenue including the cesses and royalties accruing in respect of lands comprised in such inam villages or minor inams on or after the date of vesting shall be paid to the State Government and not to the inamdar and any payment made in contravention of this clause shall not be valid ;

(e) all arrears of land revenue, whether as jodi or quit rent and cesses remaining lawfully due on the date of vesting in respect of any such inam village or minor inam shall, after such date continue to be recovered from the inamdar by whom they were payable and may, without prejudice to any other mode of recovery, be realised by the deduction of the amount of such arrears and cesses from the amount payable to such inamdar under this Act ;

(f) no such inam shall be liable to attachment in execution of any decree or other process of any court and any attachment existing, on the date of vesting or any other order for attachment passed before such date in respect of such inam village or minor inam shall cease to be in force ;

(g) the State Government may, after removing any obstruction that may be offered, forthwith take possession of the inam and all accounts, registers, pattas, muchalikas, maps, plans and other documents relating to the inam which the State Government may require for the administration thereof ;

(h) the inamdar whose rights have vested in the State Government under clause (b) shall be entitled only to such amount from the State Government as provided in this Act ;

(i) the relationship of a superior holder and inferior holder shall, as between the inamdar and the holder of a minor inam, be extinguished ;

(j) the tenants in the inam and persons holding under them and holders of minor inams shall, as against the State

Government, be entitled only to such rights and privileges and be subject to such conditions as are provided for by or under the Karnataka Land Reforms Act, 1961 and any other rights and privileges which may have accrued to them in the inam before the date of vesting against the inamdar shall cease and determine and shall not be enforceable against the State Government or such inamdar.

(3) Nothing contained in sub-section (1) or sub-section (2) shall operate as a bar to the recovery by the inamdar of any sum which becomes due to him before the date of vesting by virtue of his rights as inamdar and any such sum may be recovered by him by any process of law which, but for this Act, would be available to him.

5. Right to be registered as occupants.—Save as otherwise provided in this Act, with effect from and on the appointed date,--

(1) every tenant of the inamdar or holder of a minor inam shall be entitled to be registered as an occupant of lands in respect of which he was a tenant immediately before first day of March, 1974 ;

(2) where the inamdar is an institution of religious worship, a person—

(i) rendering religious service in or maintaining the institution as a pujari, archak or the holder of a similar office by whatever name called, or

(ii) rendering any service in such institution,

and personally cultivating for a continuous period of not less than three years prior to the first day of March, 1974, by contributing his own physical labour or that of the Members of his family and enjoying the benefits of any land comprised in the inam of such institution without paying rent as such in money or in kind to that institution in respect of such land, shall be entitled to be registered as an occupant of such land ;

(3) every inamdar including the holder of a minor inam, shall be entitled to be registered as an occupant of all lands

was personally cultivating immediately before the said date.

6. Certain lands not to be registered.—No holder of a minor inam and no inamdar shall be entitled to be registered as an occupant of—

(i) communal lands, uncultivated lands, waste lands, gomal lands, forest lands, tank beds, mines, quarries, rivers, streams, tanks and irrigation works ;

(ii) lands on which buildings owned by any person other than such holder of minor inam are erected.

7. Vesting of buildings.—(1) Every building other than a building referred to in sub-section (2) situated within the limits of a minor inam or an inam which was owned immediately before the appointed date by the holder of a minor inam or the inamdar, as the case may be, shall with effect from such date vest in the holder of minor inam or the inamdar.

(2) Every private building situated within the limits of an inam shall, with effect from the said date, vest in the person who owned it immediately before that date.

(3) Notwithstanding anything in sub-sections (1) and (2), where a tenant is in occupation of a dwelling house on a site belonging to the Inamdar or the holder of a minor inam such tenant shall not be evicted therefrom but shall be conferred with ownership thereof and the site on payment of such amount as the Tribunal may fix having regard to—

(i) the land revenue payable on the land ;

(ii) who constructed the dwelling house ; and

(iii) such other factors as may be prescribed.

8. Right to agricultural land used for non-agricultural purposes.—(1) Where any land used for agricultural purpose has been converted to non-agricultural purpose the holder of such land shall, subject to the provisions of sub-section (3) of section 7 and the other provisions of this section, be entitled to keep the land.

(2) Where the land converted was at the time of conversion in the occupation of a tenant and the converted land has not been put to non-agricultural use for which it was converted, such land shall, subject to the other provisions of this Act, be registered in the name of the tenant :

Provided that if the State Government is satisfied that the holder had done everything possible to put such land into non-agricultural use but could not do so for reasons beyond his control it, may, by order in writing, permit the holder to retain the land:

Provided further that in the case referred to in the preceding proviso, the tenant shall—

(i) notwithstanding anything in the Karnataka Land Reforms Act, 1961 be treated as a displaced tenant for purposes of section 77 of that Act ;

(ii) be paid an amount equal to one hundred times the land revenue of the land of which he was a tenant and the said amount shall be deducted from the amount payable to the Inamdar under this Act.

9. Liability to pay land revenue to the State Government.—(1) Every person who becomes entitled to be registered as an occupant under section 5 in respect of any land shall with effect from and on the appointed date be liable to pay to the State Government as land revenue—

(*a*) in the case of an inam village to which survey and settlement has been introduced under the Act an amount equal to the land revenue assessment fixed on such land during such survey and settlement ;

(*b*) in the case of an inam village to which survey and settlement has not been introduced under the Act an amount equal to land revenue assessment levied on the same extent of similar land in an adjoining unalienated village.

(2) The Deputy Commissioner shall, after such inquiry as he thinks fit, determine the land revenue payable under clause (*b*) of sub-section (1).

10. Saving of right in certain cases.—(1) Where before the appointed date an inamdars has created any right in

any land which vests in the State Government, other than land registered under section 5 including rights in any mines or minerals, quarries, fisheries, ferries or forest, the transactions shall be deemed to be valid and all rights and obligations arising thereunder on or after the appointed date be enforceable by or against the State Government :

Provided that the transaction was not void or illegal under any law in force at the time :

Provided further that where such right was created in any land, unless it relates to lands registered under section 5, the State Government may, if in its opinion, it is in the public interest to do so, by notice given to the person concerned, terminate the right with effect from such date as may be specified in the notice, not being earlier than three months from the date thereof.

(2) The person, whose right has been terminated by the State Government under the foregoing proviso, shall be entitled to an amount from the State Government equal to the estimated net income of such person from the land for the unexpired portion of the period for which the right was created, having regard to all the circumstances of the case.

(3) Any right or privilege exercised or enjoyed by any person in respect of uncultivated jamma lands immediately before the appointed date shall, notwithstanding anything in this Act, and until other provision is made in this behalf, continue to be exercised or enjoyed.

CHAPTER III

11. Procedure for registration as an occupant.– Every person entitled to be registered as an occupant under this Act shall make an application to the Tribunal constituted under the Karnataka Land Reforms Act, 1961 within six months from the appointed date. Such application shall be disposed of by the Tribunal as if it is an application made under the said Act.

12. Payment of premium, etc.—(1) The right of an inamdar or other person to be registered as an occupant

under this Act shall be subject to the payment by him to the State Government of a premium as specified below :—

(i) an inamdar : six times the land revenue of the lands to be registered ;

(ii) other persons referred to in section 5 : one hundred times the land revenue of the lands to be registered.

(2) The said right shall also be subject to the further condition that the land registered shall not be alienated in any manner or partitioned except with the previous sanction of the Deputy Commissioner and on payment of an amount equal to twenty times the land revenue of the lands concerned, which shall be in addition to the amount already paid as premium.

CHAPTER IV

Determination of amount payable in respect of personal Inams.

13. Amount payable how determined.—(1) The amount payable in respect of a personal inam shall be determined in accordance with the provisions of this Chapter.

(2) The amount shall be determined for the inam as a whole and not separately for each of the interests therein.

14. Amount payable.—(1) The amount payable in respect of an inam other than a religious or charitable inam vesting in the State Government under this Act shall be the aggregate of the following, namely :—

(i) a sum equal to ten times the net annual income from the lands held by the tenants entitled to be registered under section 5 of this Act ;

(ii) the value, as determined by the Forest Department of such of the sandalwood trees on the said land as are actually existing on the appointed day and registered in accordance with the rules made under the Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964) ; and

(iii) in respect of the income from minor forest produce (other than sandalwood) an mount equal to three times the average net annual income from minor

under this Act shall be subject to the payment by him to the State Government of a premium as specified below :—

(i) an inamdar : six times the land revenue of the lands to be registered ;

(ii) other persons referred to in section 5 : one hundred times the land revenue of the lands to be registered.

(2) The said right shall also be subject to the further condition that the land registered shall not be alienated in any manner or partitioned except with the previous sanction of the Deputy Commissioner and on payment of an amount equal to twenty times the land revenue of the lands concerned, which shall be in addition to the amount already paid as premium.

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(i) a sum equal to ten times the net annual income from the lands held by the tenants entitled to be registered under section 5 of this Act ;

(ii) the value, as determined by the Forest Department of such of the sandalwood trees on the said land as are actually existing on the appointed day and registered in accordance with the rules made under the Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964) ; and

(iii) in respect of the income from minor forest produce (other than sandalwood) an mount equal to three times the average net annual income from minor

produce derived by the Inamdar in the previous three years :

Provided that where the particulars necessary to compute the average net annual income are not available for the full period, or where the particulars available appear in material respects to be incorrect, the computation may be made in such manner as may be prescribed.

(2) For purposes of sub-section (1), the net annual income shall be deemed to be—

(i) in respect of lands held by a permanent tenant, the land revenue of such lands less the proportionate land revenue, jodi, quit rent or peshkush paid by the Inamdar to the State Government, as determined in the prescribed manner ;

(ii) in respect of lands held by other tenants, ten times the land revenue of such lands less the proportionate land revenue, jodi, quit rent or peshkush paid by the inamdar to the State Government, determined in the prescribed manner.

15. Payment of amount.—(1) The amount shall due as from the appointed date and shall carry interest at the rate of two and three-fourths per cent per annum from the appointed date to the date of payment.

(2) The amount payable under this Act, may, in accordance with the rules made in this behalf, be paid in one or more of the following modes, namely:—

(i) in cash, in full or in annual instalments not exceeding ten ;

(ii) in bonds, either negotiable or non negotiable, carrying interest at the rate specified in sub-section (1) and of guaranteed face value maturing within a specified period not exceeding ten years :

Provided that the amount payable under the bonds issued under this clause may be repaid in such number of instalments not exceeding ten as may be prescribed.

16. Interim payment.—(1) Where the amount is not paid to an inamdar within a period of six months from the date of vesting, the State Government shall, subject

produce derived by the Inamdar in the previous three years :

Provided that where the particulars necessary to compute the average net annual income are not available for the full period, or where the particulars available appear in material respects to be incorrect, the computation may be made in such manner as may be prescribed.

(2) For purposes of sub-section (1), the net annual income shall be deemed to be—

(i) in respect of lands held by a permanent tenant, the land revenue of such lands less the proportionate land revenue, jodi, quit rent or peshkush paid by the Inamdar to the State Government, as determined in the prescribed manner ;

(ii) in respect of lands held by other tenants, ten times the land revenue of such lands less the proportionate land revenue, jodi, quit rent or peshkush paid by the inamdar to the State Government, determined in the prescribed manner.

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(2) The amount payable under this Act, may, in accordance with the rules made in this behalf, be paid in one or more of the following modes, namely:—

(i) in cash, in full or in annual instalments not exceeding ten ;

(ii) in bonds, either negotiable or non negotiable, carrying interest at the rate specified in sub-section (1) and of guaranteed face value maturing within a specified period not exceeding ten years :

Provided that the amount payable under the bonds issued under this clause may be repaid in such number of instalments not exceeding ten as may be prescribed.

16. Interim payment.—(1) Where the amount is not paid to an inamdar within a period of six months from the date of vesting, the State Government shall, subject

to such restrictions and conditions as to security, repayment or otherwise, as may be prescribed, direct the payment to each such inamdar of interim amount which shall be equal to one-fifth of the estimated amount payable.

(2) Interest at the rate specified in sub-section (1) of section 15 on the estimated amount payable or on the balance of the estimated amount payable after deducting the interim payment under sub-section (1) may be paid every year until the amount payable is determined under section 17,—

(*a*) if there are no persons interested in the amount other than such inamdar, to such inamdar;

(*b*) if there are persons other than the inmdar, interested in the amount who have made claims under section 18, to such person or persons and in such proportions as all the persons interested in the amount may by agreement in writing specify.

(3) The interim amount payable under sub-section (1), and the interest payable under sub-section (2) may be paid in the prescribed manner.

17. Deputy Commissioner to determine total amount payable.—(1) The Deputy Commissioner shall, after giving the applicant a reasonable opportunity to make his representation in regard thereto in writing or orally, determine in accordance with such of the foregoing provisions as may be applicable to the inam, the total amount payable in respect of the inam:

Provided that no such determination shall be made by the Deputy Commissioner without the previous approval of the State Government or such officer as the State Government may appoint in this behalf.

(2) Any inamdar or other person interested may, within such time as may be prescribed or such further time as the Deputy Commissioner may, in his discretion allow, apply in writing to the Deputy Commissioner for a copy of the data on the basis of which he proposes to determine the total amount payable.

(3) On receipt of such application, the Deputy Commissioner shall furnish the data aforesaid to the applicant.

(4) A copy of every order passed under sub-section (1) shall be communicated to every inamdar concerned, and also to every applicant under sub-section (2).

18. **Notices to persons interested in account.**—(1) As soon as may be after the appointed date the Deputy Commissioner shall—

(*a*) publish copies of the notification under sub-section (3) of section 1, at a convenient place in and the vicinity of the inam ;

(*b*) cause public notice to be given at a convenient place in or near the inam, requiring that claims of all persons interested in the amount or in any portion thereof, including the inamdar, the members of his family claiming any such portion whether by way of a share or by way of maintenance or otherwise, and creditors whose debts are secured by the mortgage of or as a charge on the inam or any part thereof, other than lands and buildings which vest in the inamdar under section 5 or section 7, shall be made to him, together with the nature and particulars of such claims, in person or by agent at a time and place therein mentioned, such time not being earlier than sixty days from the date of publication of the notice. Such notice shall also be published in the official Gazette.

(2) Every claim against the amount payable which is not made to the Deputy Commissioner within the time aforesaid shall cease to be enforceable, except in cases where the Deputy Commissioner, for sufficient cause permits a claim to be made beyond the period aforesaid.

19. **Apportionment of amount by the Deputy Commissioner.**—The Deputy Commissioner shall, after giving notice to all persons who claim under section 18 and to any others whom he considers to be interested, make enquiry into the validity of the claims received by him, and determine the persons who, in his opinion, are entitled to the amount and the amount to which each of them is entitled.

20. **Procedure for apportionment of amount.**—(1) As a preliminary to such determination, the Deputy Commissioner shall apportion the amount among the inamd-

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(2) Every claim against the amount payable which is not made to the Deputy Commissioner within the time aforesaid shall cease to be enforceable, except in cases where the Deputy Commissioner, for sufficient cause permits a claim to be made beyond the period aforesaid.

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and any other persons whose rights or interests in the inam have passed to and vested in the State Government under clause (*b*) of sub-section (2) of section 4 including persons who are entitled to be maintained from the inam and its income, as far as possible, in accordance with the value of their respective interests in the inam.

(2) The value of the interests shall be ascertained in such manner as may be prescribed.

21. Claims of creditors.—(1) After the amount has been apportioned among the persons referred to in section 20 or where it is more convenient to do so pending the apportionment, the Deputy Commissioner shall take into consideration the application of the secured creditors referred to in section 19, and decide the amount to which each such creditor is entitled, and the person or persons out of whose share or shares of the amount such amount should be paid :

Provided that any amount due to the State Government either as land revenue or otherwise shall first be deducted from the amount payable.

(2) The amount payable by the State Government to secured creditors on account of holding any mortgage or charge, notwithstanding anything contained in any law for the time being in force, shall not exceed the amount payable in respect of the inam or portion thereof.

22. Devolution of interest in amount.—Where it is alleged that the interest of any person entitled to receive payment of any portion of the amount has devolved on any other person or persons whether by act of parties or by operation of law, the Deputy Commissioner shall, after giving the parties an opportunity of being heard, determine whether there has been any devolution of the interest and if so, on whom it has devolved.

CHAPTER V

Amount payable in respect of religious or charitable inams

23. Amount payable.—In respect of religious or charitable inams vesting in the State Government under this

and any other persons whose rights or interests in the inam have passed to and vested in the State Government under clause (*b*) of sub-section (2) of section 4 including persons who are entitled to be maintained from the inam and its income, as far as possible, in accordance with the value of their respective interests in the inam.

(2) The value of the interests shall be ascertained in such manner as may be prescribed.

21. Claims of creditors.—(1) After the amount has been apportioned among the persons referred to in section 20 or where it is more convenient to do so pending the apportionment, the Deputy Commissioner shall take into consideration the application of the secured creditors referred to in section 19, and decide the amount to which each such creditor is entitled, and the person or persons out of whose share or shares of the amount such amount should be paid :

Provided that any amount due to the State Government either as land revenue or otherwise shall first be deducted from the amount payable.

(2) The amount payable by the State Government to secured creditors on account of holding any mortgage or charge, notwithstanding anything contained in any law for the time being in force, shall not exceed the amount payable in respect of the inam or portion thereof.

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CHAPTER V

Amount payable in respect of religious or charitable inams

23. Amount payable.—In respect of religious or charitable inams vesting in the State Government under this

Act, the State Government shall so long as the religious or charitable institutions exist, pay to the inamdar every year a sum equal to ten times the land revenue payable on the land comprised in such inams.

24. Deputy Commissioner to determine the amount.—(1) The Deputy Commissioner shall, by order, determine the amount payable to an inamdar under section 23.

(2) A copy of every order passed under sub-section (1) shall be furnished to the inamdar concerned.

CHAPTER VI

Miscellaneous

25. Extent of land of which a person may be registered as an occupant.—The extent of land in respect of which a person referred to in section 5 shall be entitled to be registered as an occupant shall not, together with any land held by him, exceed the extent fixed under the Karnataka Land Reforms Act, 1961.

26. Disposal of lands vesting in the State Government.—Lands vesting in the State Government and in respect of which any person is not entitled to be registered as an occupant under this Act shall be disposed of in accordance with the rules framed from time to time under the Act for disposal of lands belonging to the State Government.

27. Revision by the Divisional Commissioner.—The Divisional Commissioner may, at any time, call for and examine the record of any order passed by the Deputy Commissioner under section 17 or section 24 and if he considers that such order is erroneous in so far as it is prejudicial to the interest of the State Revenues he may, after making or causing to be made such enquiry as he deems necessary and after giving the person or persons affected a reasonable opportunity of being heard, pass such order thereon as the circumstances of the case justify including an order decreasing the amount payable or directing a fresh determination by the Deputy Commissioner:

Provided that no such order shall be made,—

(1) where an appeal under section 30 has been preferred ; or

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Provided that no such order shall be made,—

(1) where an appeal under section 30 has been referre ; or

(2) after the expiry of four years from the date of the order sought to be revised.

Explanation.—In computing the period of limitation for the purpose of this section, any period during which any proceeding under this section is stayed by an order or any injunction by any court shall be excluded.

28. Control by the Divisional Commissioner.—The Divisional Commissioner shall, within his jurisdiction have power—

(a) to superintend the taking over of inams and to make due arrangement for the administration thereof ;

(b) to issue instructions for the guidance of the Deputy Commissioner ;

(c) to cancel or revise any order of the Deputy Commissioner declaring whether a particular area is part of an inam or not.

29. Revision by the State Government.—The State Government may cancel or revise any order passed by the Divisional Commissioner under section 28.

30. Appeal from orders under sections 17, 19 and 24.—(1) Against any decision of the Deputy Commissioner under sections 17, 19 and 24 the State Government may, within six months from the date of the decision and any person aggrieved by such decision may, within ninety days from the date of the decision, appeal to the Karnataka Appellate Tribunal, whose decision shall be final.

(2) If any question arises, whether any building falls within the scope of sub-section (2) of section 7, it shall be referred to the Karnataka Appellate Tribunal, whose decision shall be final.

31. Wrong and excess payments to be recoverable as arrears of land revenue.—Where any payment made to any person is subsequently found to be not due to him or to be in excess of the amounts due to him by virtue of any order passed under this Act or otherwise, the amount which is found to be not due or which is in excess, as the case may be, which cannot otherwise be adjusted by deduction from any amounts due to such person, shall be recoverable as if it were an arrear of land revenue.

32. Enquiries by the Deputy Commissioner.—(1) The Deputy Commissioner may, by general or special order, authorise any officer not below the rank of a Tahsildar subordinate to him to hold enquiries on his behalf under this Act :

Provided that the Deputy Commissioner may in respect of any enquiry held by any such officer direct such officer to hold a fresh or further enquiry or himself hold a fresh or further enquiry if in his opinion a fresh or further enquiry is necessary.

(2) In respect of every enquiry under this Act by the Deputy Commissioner or any officer authorised under sub-section (1), the provisions of the Act relating to a formal enquiry shall apply, as if such enquiry is a formal enquiry under the Act.

33. Fee payable on applications, petitions etc., under this Act.–Notwithstanding anything contained in the Karnataka Court Fees and Suits Valuation Act, 1958 (Karnataka Act 16 of 1958), the fees payable on any application, memorandum of appeal or petition under this Act or rules made thereunder shall be such as may be prescribed.

34. Jurisdiction of courts barred in certain cases.—(1) No suit, prosecution or other proceeding shall lie against the State Government for any act done or purporting to be done under this Act or any rule made thereunder.

(2) No officer or servant of the State Government shall be liable in any civil or criminal proceedings in respect of any act done or purporting to be done under this Act or any rule made thereunder, if the Act was done in good faith in the course of the execution of the duties or in the discharge of the functions imposed by or under this Act.

(3) In respect of any act done by any officer or servant of the State Government under colour or in excess of any such duty or function, no suit, prosecution or other proceedings shall lie against such officer or servant without the previous sanction of the State Government and no such suit, prosecution or other proceedings shall be instituted after the expiry of one year from the date of the act complained of.

(4) Notwithstanding anything contained in any law for the time being in force, a civil court shall not entertain any application or suit,-

(i) connected with any matter which has to be decided by the Deputy Commissioner under sections 17, 19 and 24 of this Act ; or

(ii) relating to an order made by the Divisional Commissioner under section 27 and in respect of which a right of appeal has been conferred by section 29 or 30.

35. Power to make rules. (1) The State Government may, by notification and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for,—

(a) all matters expressly required or allowed by this Act to be prescribed ;

(b) the procedure to be followed by the Deputy Commissioner and the officers or authorities appointed or having jurisdiction under this Act ;

(*c*) the time within which applications and appeals may be presented under this Act in cases for which no specific provision in that behalf is made herein ;

(d) the application of the provisions of the Code of Civil Procedure, 1908, and the Limitation Act, 1963, to applications, appeals and proceedings, under this Act.

36. Penalties.—(1) If any person—

(a) wilfully fails or neglects to comply with any lawful order passed under this Act or contravenes any such order; or

(b) offers resistance or obstruction to the Deputy Commissioner taking charge or possession of any property which is vested in the State Government under this Act ; or

(*c*) furnishes information which he knows or has reason to believe to be false or does not believe to be true , he shall, on conviction by a Magistrate, be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.

(2) No prosecution under sub-section (1) shall be instituted except with the previous sanction of the Deputy Commissioner.

37. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the State Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty :

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

38. Laying of rules and orders before the State Legislature.—Every rule made under section 35 and every order issued under section 37 shall be laid as soon as may be after it is made or issued before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or order or both Houses agree that the rule or order should not be made, the rule or order shall from the date on which the modification or annulment is notified by the State Government in the Official Gazette, have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio,
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

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